

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

OP.No. 27557 of 2002(E)

PETITIONER:

**V.K.PATHUMMA BEEVI, RETIRED UPSA IN
RVLPS KURUVILASSERY
VELUTHAKADUVIKARAN
HOUSE, KURUVILASSERY P.O., MALA, TRICHUR.**

**BY ADV. SMT.V.P.SEEMANDINI
SRI.M.R.ANISON**

RESPONDENTS:

- 1. STATE OF KERALA, REP.BY THE
PRINCIPAL SECRETARY (FINANCE), FINANCE (P.W.C.A.)
DEPARTMENT, SECRETARIAT, TRIVANDRUM.**
- 2. THE ACCOUNTANT GENERAL (A &E), KERALA,
TRIVANDRUM.**
- 3. THE ASST.EDUCATIONAL OFFICER, MALA.**
- 4. THE MANAGER, AMLPS, MARAKKAD,
ASHTAMICHIRA P.O., (VIA) CHALAKUDY,
TRICHUR.**

**BY ADV. SRI.V.M.KRISHNAKUMAR
BY GOVERNMENT PLEADER SRI.T.B.RAMANI**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ORDER ON CMP. NO.46763/2002 IN OP. NO.27557/2002

DISMISSED

10.07.2007

SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER DT. 8.12.02 ISSUED BY THE 2ND RESPONDENT.

EXT.P2:- COPY OF THE RELEVANT PAGES OF THE PETITIONER'S SERVICE BOOK.

EXT.P3:- COPY OF THE ALLEGED SERVICE CERTIFICATE, PREPARED MIS-UTILISING THE TWO SIGNED BLANK PAPERS ENTRUSTED TO THE THEM MANAGER ON 1.6.1971.

EXT.P4:- COPY OF THE ORDER DT. 2.1.02 ISSUED BY THE 1ST RESPONDENT.

/TRUE COLPY/

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Thottathil B. Radhakrishnan, J.

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O.P.No.27557 of 2002

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Dated this the 10th day of July, 2007.

JUDGMENT

The short issue that arises for decision is as to whether the prior service of the petitioner as LPSA from 7-8-1970 to 1-6-1971 in the school of the fourth respondent is eligible for being counted to determine the total length of service to reckon the pension due to the petitioner following her retirement on 31-3-2001.

2. Petitioner had approved service from 7-8-1970 to 1-6-1971 in the fourth respondent school. According to her, the post was abolished on staff fixation and she requested the fourth respondent to release her certificates and that the fourth respondent insisted on her giving two signed blank papers. It is her further case that "at that point of time, she was informed by the Manager of the 4th

respondent school that those papers are necessary for preparing a relinquishment letter, for getting approval to subsequent appointees".

3. Thereafter, petitioner joined the service of the RVLP school on 12-6-1972 from where she retired with approved service qualifying her for pension.

4. After retirement, she raised the question of tagging along the prior service in the fourth respondent school. That was rejected by the authorities. Her service book stands with the endorsement regarding resignation. The official respondents have therefore taken the view that in terms of Rule 29 of Part III KSR, her resignation had resulted in forfeiture of her past service with the fourth respondent and therefore such service is not eligible to be counted for determining the length of service.

5. The applicability of Rule 29 of Part III KSR is beyond challenge. It is not in dispute that the petitioner had not, at any point of time, claimed that the service from 7-8-1970 to 1-6-1971 in the fourth respondent school should be tagged along with her service in the RVLP school for any purpose whatsoever and the said issue was raised only after her retirement. As already noticed above, it is her version in the writ petition that she was aware that the Manager wanted her to relinquish the post for getting approval for subsequent appointees. It is her own case that she had given blank signed papers and they were utilised for preparing relinquishment letters and that such fact was told to her while her certificates were returned by the fourth respondent after receiving signed blank papers. Petitioner is not an illiterate person. Even if I were to swallow her version as gospel truth, that story

cannot be now, at this distance of time, utilised in a writ proceedings to take away the effect of Rule 29 of Part III KSR, as has been rightly applied by the official respondents.

For the aforesaid reasons, the writ petition fails. The same is dismissed. No costs.

Thottathil B.Radhakrishnan,
Judge.

sl.

OP27557/2002

-:5:-

Thottathil B. Radhakrishnan, J.

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O.P.No.27557 of 2002

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JUDGMENT

Dated:10-7-2007